

RONALD MARTINETTI, ESQ.
State Bar No. 106 898
KAZANJIAN & MARTINETTI
520 East Wilson Avenue
Glendale, California 91206
Tel. 818-241-1011
FAX 818-241-2193

Attorneys for Defendants
Lee's General Toys, Inc., and
John Lee

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CASE. NO. 07 CV 2391
(JAH POR)

GEORGIA-PACIFIC CONSUMER
PRODUCTS LP, a Delaware limited
partnership,

Plaintiff,

vs.

LEE'S GENERAL TOYS, INC., a California
corporation, JOHN LEE, an individual; and
DOES 1-10,

Defendants.

) DEFENDANTS'
) EVIDENTIARY OBJECTIONS
) TO DECLARATION OF JOS.
) MILLER ATTACHED TO
) REPLY TO DEFENDANTS'
) DECL. OF R. MARTINETTI
)
) Date: January 28, 08
) Time: 2:30 pm
) Judge: Hon. J. Houston
)
) (Assigned to Hon.
) J. Houston)

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Defendants respectfully submit their evidentiary objections
to Declaration of Joseph H. Miller:

1. Paragraph 1. This paragraph and the entire declaration lack
foundation and fail to set forth the background and training that
would make Mr. Miller competent to testify to scientific experi-
ments. Also, the paragraph and the entire declaration lack founda-

1 tion in that they fail to establish the background and training
2 of those who performed the experiments.

3 2. Paragraph 2. This paragraphs lacks foundation in that it
4 does not establish a chain of custody as to where the alleged
5 tissue was purchased, that the package was not tampered with,
6 that the original wrapping was not removed at any time before the
7 experiment.

8 3. Paragraph 5. This paragraph lacks foundation in that there
9 is no showing that this company's own standard is acceptable in
10 the scientific community or that the company's "internal testing"
11 has been accepted in any court (whether state or federal).

12 4. Paragraph 7. This paragraph lacks foundation in that there
13 is no showing that this company's own standard (regarding "dirt
14 count") is acceptable in the scientific community or that the
15 company's "internal testing" has been accepted in any court
16 (whether state or federal).

17 5. Paragraph 8. This paragraph draws unfounded conclusions as
18 to what or what not the average consumer may think.

19 6. Paragraphs 9, 10, and 11. These paragraphs lack foundation
20 and fail to set forth in any meaningful detail the methods and
21 protocol used to conduct this experiment; further the paragraphs
22 fail to lay any foundation as to the qualifications of the per-
23 sons who conducted the experiments.

24 Defendants respectfully submit these objections and respect-
25 fully will request the court's permission to raise them orally at
26 the January 28, 2008 hearing.

Dated: January 21, 2008

KAZANJIAN & MARTINETTI
RONALD MARTINETTI, ESQ.

By Ron Martinetti
Ronald Martinetti
Attorneys for Defendants
Lee's General Toys, Inc. and
John Lee
E-mail: amlegends@aol.com

LAW OFFICES
KAZANJIAN & MARTINETTI
520 EAST WILSON AVENUE
SUITE 250
GLENDALE, CALIFORNIA 91206

PROOF OF SERVICE

I am employed in Los Angeles County, California; I am over the age of eighteen years and not a party to the within action. My business address is 520 East Wilson Glendale, California 91206.

On this date I served Defendants' Evidentiary Objections to Decl. of Jos. Miller Attached to Reply to Defendants' Decl. of R. Martinetti

by personal delivery (to the address below)

x

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box at Glendale, California, addressed to:

Stephen Swinton, Esq.
Latham & Watkins
12636 High Bluff Drive, Suite 400
San Diego, California 92130-2071
Tel. 858-523-5400
FAX 858-523-5450

and via FAX to counsel for Georgia-Pacific Consumer Prod. (x)

(x) BY MAIL I sealed and placed such envelope for collection and mailing to be deposited in the mail on the same day in the ordinary course of business at Glendale, California. I am readily familiar with our law firm's practice of collecting and processing correspondence and documents for mailing. They are deposited with the U.S. Postal Service on the same day as dated, in the ordinary course of business.

(State) I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

(x) (Federal)

The papers are also to be filed via e-mail.

I declare under penalty of perjury of the state of California that the foregoing is true and correct.

Executed this January 21, 2008 at Glendale, California 91206